

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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MASHA ALLEN,	:	CIVIL ACTION NO. 08-4614
Plaintiff	:	
	:	
v.	:	Camden, New Jersey
	:	August 27, 2009
FAMILIES THRU INTERNATIONAL	:	2:00 o'clock p.m.
ADOPTION, et al,	:	
Defendant	:	
.	:	

TELEPHONE CONFERENCE
BEFORE THE HONORABLE ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

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APPEARANCES:

For the Plaintiff:	ROBERT N. HUNN, ESQUIRE Kolsby, Gordon, Robin & Shore, Esquires One Liberty Place 2000 Market Street 28th Floor Philadelphia, PA 19103
	STEVEN A. HABER, ESQUIRE Obermayer, Rebmann, Maxwell & Hippel, LLP One Penn Center, 19th Floor 1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1895
	DAVID BILZ, ESQUIRE
	DARREN SUMMERVILLE, ESQUIRE The Bird Group
For the Defendant FTIA:	DONALD C. COFSKY, ESQUIRE Cofsky & Zeidman, LLC 209 N. Haddon Avenue Haddonfield, NJ 08033-2322

- - -

APPEARANCES:

For the Defendant JEANNENE SMITH, Pro Se
Smith: 312 S. Lincoln Avenue
Cherry Hill, NJ 08002

For the Defendant BRAD WEINTRAUB, ESQUIRE
Adagio Health: Weiner Lesniak
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P.O. Box 438
Parsippany, NJ 07054-0438

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(Proceedings recorded by Liberty Court Player
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1 (The following occurred in open court at 2:00
2 o'clock p.m.)

3 THE COURT: Hello, this is Judge Donio, good
4 afternoon. We are on the record in Case Number 08-4614.
5 This is a telephone conference. The parties are appearing by
6 telephone. This conference is being electronically recorded
7 and so, each time you speak, I would ask that you state your
8 name for the record. Let's begin by placing the appearances
9 on the record, beginning with plaintiff's counsel, please?

10 MR. HUNN: Good afternoon, your Honor, this is
11 Robert Hunn, I am counsel just to plaintiffs.

12 MR. SUMMERVILLE: Your Honor, this is Darren
13 Summerville. I was also on the call last month. We are
14 anticipating joining into the case as lead counsel.

15 MR. BILZ: Your Honor, David Bilz, also from
16 Atlanta, personal counsel for plaintiffs.

17 MR. HABER: Your Honor, Steve Haber, special counsel
18 to the plaintiff.

19 MR. COFSKY: Donald Cofsky, counsel for Families
20 Thru International Adoption.

21 MR. WEINTRAUB: Good afternoon, your Honor, Brad
22 Weintraub, from Weiner Lesniak, for the third-party
23 defendant, Adagio Health.

24 MR. HUNN: And your Honor, this is Robert Hunn
25 again. I received an e-mail from Jeannene Smith that she

1 will not be joining in the conference.

2 THE COURT: She was waiving her appearance, does it
3 indicate?

4 MR. COFSKY: Your Honor, I received an e-mail, this
5 is Donald Cofsky. I received an e-mail. I just got back in
6 my office, that from Jeannene Smith, addressed to Bob Hunn.
7 It says, "Bob, I just received your e-mail yesterday. Sorry,
8 but this was awful short notice and I cannot make the call
9 today. Just wanted to let you know." It's sort of
10 surprising because I believe we all got notice of this and I
11 think she's doing electronic filing now, too. So, why she
12 did not get notice of this, I don't know why.

13 THE COURT: All right, well, let me just address
14 this to plaintiff's -- plaintiff's counsel, Mr. Hunn. You
15 anticipate withdrawing or having your appearance substituted?

16 MR. HUNN: Well, that was the game plan. When we
17 last spoke, Atlanta counsel was looking for local counsel and
18 that was approximately 30 days ago and Atlanta counsel should
19 speak for what progress it made.

20 THE COURT: Mr. Bilz, the Court has provided a
21 number of extensions. What seems to be the problem?

22 MR. SUMMERVILLE: Your Honor, this is Darren
23 Summerville, I might be able to better answer that. It's in
24 my lap, this responsibility is or was the problem with,
25 unfortunately, by me is that I have simply not been able to

1 find a firm, not for lack of trying, that is willing to serve
2 as local counsel. I have contacted eight separate firms and
3 over the past 30 days. We entered substantive negotiations
4 with four of them, at some very point and simply have not
5 been able to fine one who really agree to be on board, no
6 matter what the negotiations. At this point, we have gnashed
7 our teeth over the issue, to some degree and we are well
8 aware of the Court's patience in this regard, as well as the
9 other parties. And I can offer, at this point, that if the
10 Court would accept to give us, perhaps, two weeks more to
11 find local counsel, if we are unsuccessful, we'll be happy to
12 notify the parties and the Court of that and then we would
13 anticipate voluntarily dismissing the case until we can get
14 local counsel that would be ready to bring the case forward.

15 THE COURT: Okay, any objection from counsel?

16 MR. HUNN: No, your Honor.

17 MR. COFSKY: No, your Honor, Cofsky here, no.

18 THE COURT: Mr. Hunn, any further objection?

19 MR. HUNN: Robert Hunn, no.

20 THE COURT: All right, I will reconvene the
21 telephone conference in approximately 30 days. All right,
22 anything else?

23 MR. SUMMERVILLE: Thank you, Judge.

24 MR. COFSKY: Other than wishing everyone a happy end
25 of the summer and a good Labor Day.

1 THE COURT: All right, you all have a nice rest of
2 the summer. We are adjourned, thank you.

3 (Proceeding adjourned 2:04 o'clock p.m.)

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CERTIFICATION

I hereby certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

s:/Geraldine C. Laws, CET
Laws Transcription Service

Dated 9/16/10